



25C1

PCF  
JC02 Rec'd PCT/PTO 07 MAY 2002 #6  
P. D.

6-27-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Hans-Dieter BOROWSKY et al.

Serial No.: 09/890,227 (Conf. No. 7538)

Filed: November 14, 2001

For: AUDITORY TREATMENT DEVICE  
(amended)

Attorney Docket No.: **HHI-033US**

Group Art Unit: 2644

Examiner:



Commissioner for Patents  
**Office of Initial Patent Examination**  
**Customer Service Center**  
Washington, D.C. 20231

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Office of Initial Patent Examination, Customer Service Center, Washington, D.C. 20231 on the date set forth below.

April 29, 2002

Date of Signature and of Mail Deposit

By:

  
Anthony A. Laurentano  
Reg. No. 38,220  
Attorney for Applicant

**REQUEST FOR CORRECTION OF OFFICIAL FILING RECEIPT**

Dear Sir:

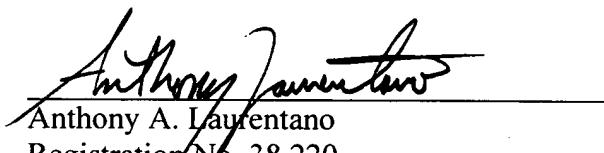
Please issue a corrected Filing Receipt for the above-cited application. Applicants request that title be changed from "Hearing Aid" to **--AUDITORY TREATMENT DEVICE--**. Additionally, please correct the Attorney Docket Number from "HHI-033" to **--HHI-033US--**. A copy of the Preliminary Amendment filed with the application on July 27, 2001 is enclosed to support these corrections.

Re: U.S.S.N 09/890,  
Group Art Unit 2644

Applicant encloses a copy of the Official Filing Receipt received from the U.S. Patent and Trademark Office in connection with this application with the requested changes noted thereon in red ink. No fees are believed due to effect the necessary correction. However, if fees are due in connection with the filing of this Request, please charge them to our Deposit Account No. 12-0080.

Respectfully submitted,

LAHIVE & COCKFIELD

  
\_\_\_\_\_  
Anthony A. Laurentano  
Registration No. 38,220  
Attorney for Applicant

28 State Street  
Boston, MA 02109  
(617) 227-7400

Date: April 29, 2002



**IN THE UNITED STATES PATENT DESIGNATED OFFICE (DO/US)**  
**National Phase of International App.: PCT/DE00/00191, W/O 00/45617**

**application of: Hans-Dieter BOROWSKY *et al.***

**International Application No.: PCT/DE00/00191**

**International Filing Date: 21 January 2000**

**U.S. Serial No.: Not Yet Assigned**

**Filed: Herewith**

**For: AUDITORY TREATMENT DEVICE  
(amended)**

**Attorney Docket No.: HHI-033US**

**BOX PCT**

Commissioner for Patents  
Washington, D.C. 20231

**COPY OF PAPERS  
ORIGINALLY FILED**

**PRELIMINARY AMENDMENT**

Dear Sir:

Preliminary to examination of the above-referenced patent application, please amend the enclosed above-titled International patent application as follows.

**In the Specification**

Page 1, line 1, change the title to "**AUDITORY TREATMENT DEVICE**".

Page 1, line 2, after the title, insert the following "**Background of the Invention**".

Page 1, lines 3-4, please replace the paragraph with the following:

The invention relates to an auditory treatment device for correcting hearing impairments.

Page 1, line 33, insert the following title: "**Summary of the Invention**".

Page 2, lines 1-2, please delete this paragraph.

Page 5, line 27, insert the following title: "**Brief Description of the Drawings**".

Page 5, line 30, please insert the following title: "**Description of Illustrated Embodiment**".

**In the Claims**

**Please amend claims 1-11 as follows:**

1. (Amended) A treatment device for correcting impairments to hearing, comprising an essentially cylindrically shaped housing formed of metal, the housing having a battery compartment and a sound exit opening, wherein the housing completely surrounds and shields an electronics unit located therein against electromagnetic waves.
2. (Amended) The treatment device according to claim 1, wherein the battery compartment comprises a watertight seal from the rest of the housing.
3. (Amended) The treatment device according to claim 1, wherein the sound exit opening is sealed by an acoustically transmitting, watertight film.
4. (Amended) The treatment device according to claim 2, wherein the sound exit opening is sealed by an acoustically transmitting, watertight film.

5. (Amended) The treatment device according to claim 1, wherein the housing comprises a first housing component with the battery compartment being fastened together with a second housing component and an O-ring seal (3) being located therebetween.
6. (Amended) The treatment device according to claim 1, wherein the treatment device is free of external moving operating elements.
7. (Amended) The treatment device according to claim 1, wherein the housing is composed of titanium or a titanium alloy.
8. (Amended) The treatment device according to claim 1, further comprising retaining means provided in the battery compartment to fix the position of a battery therein.
9. (Amended) The treatment device according to claim 8, wherein the battery compartment further comprises a hole of small diameter for allowing external access to the battery.
10. (Amended) The treatment device according to claim 8, wherein the retaining means comprise a magnet.
11. (Amended) The treatment device according to claim 10, wherein the magnet comprises a ring magnet, and wherein the battery compartment comprises a hole for allowing external access to the battery, the hole exiting into a center recess of the ring magnet.

COPY U.S. PATENT  
ORIGINALLY FILED

**REMARKS**

Applicants amend the specification to address minor formal matters, such as introducing appropriate section headers. Applicants also amend the claims to remove multiple dependencies, to provide proper antecedent basis, and to address other matters of form. The foregoing amendments introduce no new matter and are not related to issues of patentability.

Entry of the foregoing Preliminary Amendment is respectfully in order and requested.

If there are any questions regarding the amendments to the application, we invite the Examiner to call Applicants' representative at the telephone number below.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP



Anthony A. Laurentano  
Registration No. 38,220  
Attorney for Applicants

28 State Street  
Boston, MA 02109  
(617) 227-7400

Date: July 27, 2001

**VERSION TO SHOW MARKINGS WITH CHANGES MADE**

**In the Specification**

Page 1, line 1:

~~HEARING AID~~ AUDITORY TREATMENT DEVICE

Page 1, lines 3-4:

The invention relates to an auditory treatment device ~~according to the~~  
~~preamble of Claim 1~~ for correcting hearing impairments.

**In the Claims:**

**Please amend claims 1-11 as follows:**

1. (Amended) A ~~T~~treatment device for correcting impairments to hearing, comprising an essentially cylindrically shaped housing formed of metal, the housing having a battery compartment ~~as well as and~~ a sound exit opening, ~~characterized in that~~ wherein the housing completely surrounds and shields ~~the~~ an electronics unit located therein ~~the~~ ~~treatment device (1)~~ against electromagnetic waves, and that the housing (2) has an ~~essentially cylindrical shape.~~
2. (Amended) The ~~T~~treatment device according to claim 1, ~~characterized in that~~ wherein the battery compartment (7) has comprises a watertight seal from the rest of the housing (2).
3. (Amended) The ~~T~~treatment device according to claims 1 or 2, ~~characterized in that~~ wherein the sound exit opening (5) is sealed by an acoustically transmitting, watertight film.

4. (Amended) The treatment device according to ~~one of the foregoing claims~~ claim 2, characterized in that ~~a~~ wherein the sound exit opening (4) is provided in the housing (2), which opening is sealed by an acoustically transmitting, watertight film.

5. (Amended) The treatment device according to ~~one of the foregoing claims~~ claim 1, characterized in that ~~wherein~~ the housing (2) has two sections (2a, 2b), the comprises a first housing component (2b) with the battery compartment (7) being ~~screwed~~ fastened together with ~~another~~ a second housing component (2a) and an O-ring seal (3) being located ~~in the screw section~~ therebetween.

6. (Amended) The treatment device according to ~~one of the foregoing claims~~ claim 1, characterized in that ~~wherein~~ the treatment device (1) is free of external moving operating elements.

7. (Amended) The treatment device according to ~~one of the foregoing claims~~ claim 1, characterized by ~~a~~ wherein the housing (2) is composed of titanium or a titanium alloy.

8. (Amended) The treatment device according to ~~one of the foregoing claims~~ claim 1, characterized in that ~~further comprising~~ retaining means ~~are~~ provided in the battery compartment (7) to fix the position of ~~the~~ a battery ~~therein~~.

9. (Amended) The treatment device according to claim 8, characterized in that ~~wherein~~ the battery compartment further comprises a hole (9) of small diameter is located in the battery compartment (7) such that the small hole (9) allows for allowing external access to the battery.

10. (Amended) The treatment device according to claim 8, characterized in that ~~wherein~~ the retaining means ~~are designed as~~ comprise a magnet.

11. (Amended) The treatment device according to claims 9 and 10, characterized in that ~~wherein~~ the magnet is designed as ~~comprises~~ a ring magnet (8), and wherein the

battery compartment comprises a hole for allowing external access to the battery, the hole  
(9) exiting into the a center recess of the ring magnet (8).



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

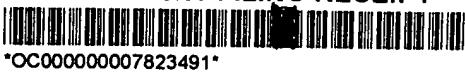
APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/890,227	11/14/2001	2644	625	HHI-033 US		11	1

Anthony A Laurentano  
 Lahive & Cockfield  
 28 State Street  
 Boston, MA 02109



COPY OF PAPERS  
 ORIGINALLY FILED

CONFIRMATION NO. 7538  
 REPLACEMENT FILING RECEIPT



\*OC000000007823491\*

Date Mailed: 04/08/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Hans-Dieter Borowsky, Neuenkirchen, GERMANY;  
 Roman Jandaurek, Rheine, GERMANY;  
 Theo Wesendahl, Rheine, GERMANY;  
 Edmund Lobbers, Neuenkirchen, GERMANY;

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/DE00/00191 01/21/2000

## Foreign Applications

GERMANY 199 03 090.1 01/27/1999  
 GERMANY 299 10 318.8 06/14/1999

Projected Publication Date: Not Applicable, filed prior to November 29,2000

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

Auditory Treatment Device  
 Hearing aid

ENTERED

RECEIVED
LAHIVE & COCKFIELD
DOCKET DEPT.
APR 12 2002
RETRIEVED: 4/16
FORWARDED: 4/16

## Preliminary Class

381

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).